

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 3, 9, 16, and 20 have been rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,462,166 to Minton et al., and claims 1–5, 11, 12, 16, and 19 have been rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 4,936,460 to Meyer.

Claims 2 and 3 have been cancelled, rendering the rejections thereon moot. Applicant traverses the remaining rejections. According to the Federal Circuit, an anticipation rejection under 35 U.S.C. § 102 “requires the disclosure in a single prior art reference of each element of the claim under consideration.” Further, the prior art reference must disclose each element of the claimed invention “arranged as in the claim.” In the instant case, the Minton et al. and the Meyer patents do not meet this requirement, as discussed at length below.

The Cited References

U.S. Patent No. 5,462,166

U.S. Patent No. 5,462,166 to Minton et al. discloses an individually packaged disposable absorbent article comprising a sanitary napkin 20 packaged in a flexible package, such as a flexible wrapper 160. The flexible wrapper 160 is folded and sealed to enclose the sanitary napkin 20. The flexible wrapper 160 is unfolded to reveal the sanitary napkin 20. (See column 3, line 67, to column 4, line 7, and FIGS. 1–3).

The sanitary napkin 20 is folded as a unit with the flexible wrapper 160 along two longitudinally spaced apart and laterally extending fold axes 152 and 153. The fold axes 152 and 153 divide the flexible wrapper 160 into three panels 162, 164, and 166. The panels 162, 164, 166 form three wrapper layers when the flexible wrapper is folded along the fold axes 152 and 153. (See column 4, lines 56–62, and FIGS. 1 and 3.)

As discussed below, the Minton et al. patent fails to teach or suggest an absorbent article which is retained in packaging when *the volume of the article is reduced by at least about 30%*, as set forth in claims 1 and 16.

U.S. Patent No. 5,462,166

U.S. Patent No. 5,462,166 to Meyer discloses a shelf or counter display 10 for display of a soft toy 12 and for holding a plurality of individual packages 14 each containing a soft toy 12

in the compressed state. The toy 12 is constituted by a compressible filler or stuffing and a flexible outer skin on which characterizing visual features such as eyes and a nose are printed. The packages 14 each have a transparent, gas impervious front sheet 15a and a gas impervious rear sheet 15b which are sealed together throughout a continuous area surrounding a soft toy 12 located between the front and rear sheets. The toy 12 in each package is compressed from front to back to twenty percent or less of its unstressed thickness and a vacuum is drawn between the front and rear sheets thereby to hold the toy in the compressed state. (See column 2, lines 22-37, and FIGS. 1-3 and 5.)

The display 10 may be seen to comprise a pair of trays 16 and 17 located in side-by-side relationship and an upstanding rear wall 20 which extends above the tops of the packages 14 to provide a space for containing descriptive printed matter. The tray 16 has a bottom 21 and upstanding forward wall 22 and a pair of triangular side walls 24 and 25 which extend a short distance forwardly of the front wall 22 and terminate at the front edge of the bottom panel 21. The tray 17 includes a front wall 28 and a pair of side walls 30. The wall 28 is located farther forward than is the wall 22 to provide a section in which one of the toys 12 may be placed in its uncompressed unpackaged state. (See column 2, lines 38-50, and FIGS. 1 and 6.)

As discussed below, the Meyer patent fails to teach or suggest a portable set of absorbent articles including a carrier with a plurality of compartments and a plurality of individually packages *absorbent articles respectively received within the plurality of compartments* of the carrier, as set forth in claim 11.

Rejections in view of Minton et al.

Independent claim 1 sets forth an absorbent article including:

a packaging; and
an absorbent article ...;

said absorbent article occupying a volume of space that is reduced
by at least about 30% when said absorbent article is
reconfigured from [a] normal condition to [a] compressed
condition

Independent claim 16 sets forth a method for packaging absorbent articles so that the absorbent articles are compact and portable, including:

providing an absorbent article ...;
reconfiguring the absorbent article such that the volume of [the
absorbent article] is reduced by at least 30%

As mentioned above, the Minton et al. patent fails to teach or suggest reconfiguring an absorbent article so that the volume is reduced by at least 30%, as recited in claims 1 and 16. In contrast, the Minton et al. patent discloses folding a sanitary napkin along fold axes (152, 153). By doing so, the overall length of the sanitary napkin is inherently reduced. However, Minton et al. are silent as to the extent of their reduced length. Furthermore, Minton et al. are also silent as to *reducing the volume* of their sanitary napkin.

While it is inherent that folding an article reduces its length, it is not inherent that folding an article reduces its volume any appreciable amount. For example, does folding a blanket for storage imply that the blanket's volume is reduced? Not at all. Indeed, it is more logical that the volume actually increases due to space (i.e., air gaps) between the folded layers.

Minton et al. discuss compression at column 6, lines 27 and 28, of their patent, which is cited in the Office Action. However, their discussion focuses on compression of the individually wrapped sanitary napkins subsequent to assembly and packaging. In other words, the Minton et al. patent does not teach the compression of the sanitary napkin *prior* to packaging. Accordingly, subsequent compression of Minton et al.'s individually wrapped sanitary napkin "can cause air trapped within the wrapper 160 to rupture the releasable seals 200" (see column 6, lines 29 and 30).

In view of the foregoing, it is respectfully submitted that the Minton et al. patent fails to teach or suggest the absorbent article of claim 1 and the method for packaging absorbent articles of claim 16, and, therefore, that claims 1 and 16 are patentable.

In addition, claim 9 depends from claim 1, and claim 20 depends from claim 16. Each of these dependent claims recites that the absorbent article may be a diaper. For reasons analogous to those presented in relation to claims 1 and 16, it is respectfully submitted the Minton et al. patent fails to teach or suggest the absorbent article of claim 9 and the method of claim 20, and, therefore, that claims 9 and 20 are also patentable.

Rejections in view of Meyer

Independent claims 1 and 16 are discussed above. The Meyer patent fails to teach or suggest reconfiguring an absorbent article as recited in claims 1 and 16. Rather, Meyer teaches compressing a stuffed toy. Indeed, Meyer is completely silent as to any element of his invention being absorbent. Clearly, the Meyer patent does not disclose the absorbent article of claims 1 and 16.

Accordingly, it is respectfully submitted that the Meyer patent fails to teach or suggest the absorbent article of claim 1 and the method for packaging absorbent articles of claim 16, and, therefore, that claims 1 and 16 are patentable.

In addition, claims 4 and 5 depend from claim 1, and claim 19 depends from claim 16. For reasons analogous to those presented in relation to claims 1 and 16, it is respectfully submitted the Meyer patent fails to teach or suggest the absorbent article of claims 4 and 5 and the method of claim 19, and, therefore, that these claims are also patentable.

Independent claim 11 recites a portable set of compact absorbent articles including:

a carrier including a plurality of compartments; and
a plurality of individually packaged absorbent articles respectively
received within said plurality of compartments

As mentioned above, the Meyer patent fails to teach or suggest a portable set of absorbent articles including a carrier with a plurality of compartments for *respectively receiving* a plurality of individually packaged absorbent articles, as recited in claim 11.

In contrast, the Meyer patent discloses a shelf or counter display for holding a plurality of individually package soft toys. Clearly, Meyer's counter display does not include a plurality of compartments. In addition, Meyer's display is not a carrier with a plurality of compartments each for receiving an individually packaged absorbent article. Rather, Meyer's counter display has two trays (16, 17) *each for holding a plurality* of soft toys, much like potato chips counter displays hold a plurality of bags of potato chips. Indeed, the display disclosed in the Meyer patent is not portable but rather sits on a shelf or counter.

Accordingly, it is respectfully submitted that the Meyer patent fails to teach or suggest the portable set of compact absorbent articles of claims 11 and 12 and, therefore, that claim 11 and 12 are patentable.

ALLOWABLE SUBJECT MATTER

Claims 13-15 have been objected to as being depending upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicant notes with thanks the allowance of these claims.

Applicant respectfully notes that claim 13 is an independent claim, with claims 13 and 14 depending thereon. Accordingly, none of claims 13-15 needs to be rewritten, and each of these claims is in condition for allowance as filed.

NEW CLAIMS

New claims 21 and 22 have been added to the application and respectively depend from claims 11 and 16. Each of these claims recites that the absorbent article is a diaper.

It is respectfully submitted that no new matter is added in these claims. It is also respectfully submitted that these claims are patentable and in condition for allowance for reasons analogous those presented above in relation to their respective base claim.

CLOSING COMMENTS

In view of the foregoing remarks, it is respectfully submitted that the subject application, including claims 1, 4, 5, 9, 11-16, and 19-22, is in condition for allowance. Early notification of the same is respectfully requested.

The Examiner is invited to contact the undersigned if she believes there are any issues which remain, preventing the allowance of the claims and the passage of the application to issue.

Respectfully submitted,



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